

IN RE: PETITION FOR ZONING VARIANCE  
NE/S Upper Landing Road,  
1,050' SE of Locust Road  
15th Election District  
5th Councilmanic District  
Thomas Stanley Dorn, et ux  
Petitioners

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 88-473-A

#### MEMORANDUM AND ORDER

The Petitioners herein request variances to permit a lot width of 50 feet in lieu of the required 55 feet for Lot #17, and a side yard setback of 5 feet in lieu of the required 10 feet for Lot #18, as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by Thomas Dorn, appeared and testified. There were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and therefore should be granted. There is no evidence in the record that the subject variances would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variances should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of May, 1988 that the Petition for Zoning Variance to permit a lot width of 50 feet in lieu of the required 55 feet for Lot #17 and a side yard setback of 5 feet in lieu of the required 10 feet for Lot #18, in accordance

#### PETITIONER(S) EXHIBIT 2



with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

*J. Robert Haines*  
Zoning Commissioner of  
Baltimore County

JRH:bjs

#### Zoning Description

Beginning on the Northeast side of Upperlanding Road as laid out on the plat of Back River Highlands said plat being duly recorded among the land records of Baltimore County, in Plat Book W.P.C. No. 4 Folio 64, at the distance of six hundred (600) feet Northwesterly from the Northwest corner of Upperlanding Road and Mace Avenue said point of beginning being at the division line between Lots 16 and 17, Section "A", Backriver Highlands and running thence binding on the Northeast side of Upper Landing Road as now located fifty (50) feet wide north 28° degrees 00 minutes west fifty (50) feet to the division line between lots 17 and 18 on plat above referred to thence running and binding on said division line North 28° degrees 00 minutes East 227.61 feet to the Northern outline of the whole tract of land which the lot now being described is part thence running and binding on said outline South 28° degrees 00 minutes East fifty (50) feet to the division line between Lots 16 and 17, above referred to and thence running and binding on said division line south 28° degrees 00 minutes West 226.50 feet to the place of beginning. The improvements thereon being known as No. 348 Upper Landing Road in the 15th election district.

#### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY TOWSON, MARYLAND

District: 1574 Date of Posting: 4/18/88  
Posted for: Variance  
Petitioner: Thomas Stanley Dorn, et ux  
Location of property: NE/S Upper Landing Rd., 1050' SE of Locust Rd.  
Location of Sign: NE/S Upper Landing Rd., 1050' SE of Locust Rd.  
Remarks:  
Posted by: [Signature] Date of return: 4/22/88  
Number of Signs: 1

#### "DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD., April 14, 1988  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on April 14, 1988

*Susan Sander O'Brien*  
Publisher  
THE JEFFERSONIAN

\$37.50

NOTICE OF HEARING  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:  
Petition for Zoning Variance  
Case Number 88-473-A  
NE/S Upper Landing Road, 1050' SE of Locust Road  
(348 Upper Landing Road)  
15th Election District - 5th Councilmanic District  
Petitioner(s): Thomas Stanley Dorn, et ux  
HEARING SCHEDULED: FRIDAY, MAY 6, 1988 at 2:00 p.m.  
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
6096 Apr 14

#### PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 88-473-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1.1.B.2.3.1 To allow a buildable lot width of 50 feet in lieu of the required 55 feet for Lot #17 and to allow a side yard setback of 5 feet in lieu of the required 10 feet for Lot #18.

- 1) Only lot available in area where we are interested in buying.
- 2) The majority of all lots in Back River Highlands are 50 feet wide.
- 3) The proposed improvement of this lot will conform to the neighboring houses on 50 foot lots.

and advertised as prescribed by Zoning Regulations.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

#### Legal Owner(s):

*Thomas Stanley Dorn*  
(Type or Print Name)

*Thomas Stanley Dorn*  
Signature

*Thomas Stanley Dorn*  
(Type or Print Name)

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